

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRAD RAFFENSPERGER, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**PLAINTIFFS' MOTION TO SEAL THE DECLARATION OF J. ALEX  
HALDERMAN AND PORTIONS OF ITS JOINT SUPPLEMENTAL BRIEF  
IN SUPPORT OF NARROW DISCOVERY REQUEST**

Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”) move the Court to seal portions of Plaintiffs’ Joint Supplemental Brief in Support of Narrow Discovery Request (“Supplemental Brief”) as well as the accompanying Declaration of J. Alex (“Halderman Declaration”). Specifically, portions of the Supplemental Brief in addition to the Halderman Declaration (together the “Sensitive Information”) cite, discuss, or otherwise disclose data or information designated by State Defendants as Confidential Information under this Court’s Protective Order (Dkt. No. 477) or already filed under seal.

Some of the Sensitive Information Curling Plaintiffs propose to seal has already been designated confidential in this matter and therefore appears only in sealed materials. *E.g.*, Supplemental Brief at 8 (citing Dkt. 855-1 ¶¶ 67-68); *Id.* at 18 (citing Dkt. 904 at 99:7-13). State Defendants have also previously sought

protection for Sensitive Information including “information regarding the Georgia election system’s critical infrastructure, which, if published, although not sufficient in itself to compromise the system, could provide potential hackers or bad actors with additional information about methods of accessing Georgia’s election system.” (Dkt. No. 820 at 3; Mot. Granted at Dkt. No. 822).

In reliance on State Defendants’ representations and designation of the Sensitive Information as Confidential, Curling Plaintiffs seek to seal the Sensitive Information. The Court’s Standing Order (Dkt. 11 at 24), the Protective Order (Dkt. 477 at 11) and this Court’s local rules concerning electronic filing (LR App. H, Section II(J), NDGA) authorize this motion and the filing under seal of the Sensitive Information. In further support, Curling Plaintiffs state as follows.

### **ARGUMENT AND CITATION OF AUTHORITY**

The Curling Plaintiffs recognize that there is a presumption of public access to judicial documents. However, “[a] party’s privacy or proprietary interest in information sometimes overcomes the interest of the public in accessing the information.” *Romero v. Drummond Co., Inc.*, 480 F.3d 1234 (11th Cir. 2007). “The common law right of access may be overcome by a showing of good cause, which requires ‘balanc[ing] the asserted right of access against the other party’s interest in keeping the information confidential.’” *Id.* (quoting *Chicago Tribune v.*

*Bridgestone/Firestone*, 263 F.3d 1304, 1309 (11th Cir. 2001) (alteration in *Romero*).

In determining whether to seal a document, the Court should consider the following, non-exhaustive list of factors: “whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.” *Id.* at 1246.

Curling Plaintiffs respectfully request that the Court grant their Motion to Seal. A proposed order is attached for the convenience of the Court, as well as a redacted version of the filing.

Respectfully submitted this 10th day of June, 2021.

/s/ David D. Cross

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross

David D. Cross

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2021, a copy of the foregoing **CURLING PLAINTIFFS' MOTION TO SEAL PORTIONS OF THE DECLARATION OF J. ALEX HALDERMAN AND ITS JOINT SUPPLEMENTAL BRIEF IN SUPPORT OF NARROW DISCOVERY REQUEST** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross  
David D. Cross